



Tu-Way Mobile Communications, Inc.

November 21, 1996

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Secretary, FCC
1919 M. Street, NW
Room 122
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Re: Advanced Television System
and their impact upon the
96-317

MM Docket no. 876-268
Sixth further Notice

Existing Television Broadcast Service

Dear Chairman Hundt:

Tu-Way Mobile Communications, Inc. wishes to express its strong support for Federal Communications Commission action to relocate the current UHF broadcast television channels 60-69, and make a portion of that spectrum available for public safety and commercial use. The first step in the process is reallocation of UHF channels 60-69 as proposed by your staff in the above referenced digital television proceeding.

There is currently an urgent need in many parts of the country for additional public-safety and commercial radio channels. The Public Safety Wireless Advisory Committee (PSWAC), cosponsored by the FCC and the NTIA, recently released its "Final Report" which found that public safety agencies alone need at least 2.5 MHz of additional spectrum right now for interoperability, at least 25 MHz within five years, and an additional 70 MHz within the next fifteen years.

Tu-Way Mobile Communications, Inc. agrees with the PSWAC findings. In our area of the country there are no additional radio channels available for the expansion of existing systems nor for the implementation of new ones. The business community's need to provide services to its customers land staff are stifled by this lack of spectrum. Only immediate FCC action in making available new spectrum can help alleviate the problems faced by Tu-Way Mobile Communications, Inc. and other radio communications modes.

While we support the allocation of additional 800 MHz spectrums for public safety and business use, we also alert the Commission to problems with the current DTV channel planning as it affects land mobile users of the 500 MHz shared TV channels 19 and 20 in the New Jersey and Eastern Pennsylvania area.

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Tu-Way Mobile Communications, Inc.

Tu-Way Mobile Communications, Inc. is currently licensed to operate radio communications systems on frequencies derived from the sharing of the TV channels under 47 CFR, Part 90, Subpart L, Authorization In The Band 470-512 MHz (UHF-TV Sharing) of the FCC Rules. Our company operates 9 radio channels in this band to meet its needs and the needs of its customers. Approximately 500,000 persons in a 1,200 square mile area of New Jersey and Pennsylvania are served by this system. This system is essential to their needs and to the operation of this company.

It would cost \$250,000 to replace this system. The Commission's proposal to allow TV broadcast stations to operate on adjacent TV channels 18 and 21 frequencies in Secaucus and Vineland, New Jersey would create harmful interference to our communications system, thus jeopardizing our ability to deliver the type and quality of service demanded of us.

We call to the attention of the Commission that the docket identifies separation of the proposed TV station from the center of the urbanized area, in this instance Philadelphia, PA, as less than the technically appropriate 110 miles between the broadcast operation site and the nearest the nearest adjacent channel land mobile site. In fact, channel 18 in Secaucus, New Jersey will be less than 80 miles from center city, Philadelphia. Channel 21 in Vineland would be located only a little over 32 miles from center city. However, we respectfully remind you that the allocation for use of the communications channels derived from TV channels 19 and 20 extends outward in a 50 mile radius of the center of the urbanized area. Further, the Commission has granted waivers of this "50 mile rule" in support of various operations, further expanding the radius to as much as 60 miles. Thus the distance from the currently licensed operations and the proposed adjacent DTV channel is not the desired 110 miles, but considerably less as evidenced below.

Our radio system, which operates on channels in the TV Channel 19 spectrum, will be impacted by interference from the proposed implementation of TV Channel 18 in Secaucus, New Jersey. The geographical coordinates of this proposed DTV transmitter is 40-42-43N, 74-00-49W. One of our currently licensed transmitter sites is located at the geographical coordinates 40-34-20N, 075-75-51W. This is a separation of only 77.04 miles to the proposed DTV transmitter site! It is our position that such close spacing of interfering transmitters will jeopardize the operation of our system and the delivery of our essential services.





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We also urge the Commission not to eliminate use of Channel 20 for land mobile service in the Philadelphia region. Many business and public-safety agencies have implemented operations on these channels at a great expenditure of company or public funds.

We respectfully ask you to consider the impact of this proceeding on the business and public-safety entities operating on TV channels 19 and 20. With no other channel availability, where in the radio spectrum would they move? Who would pay for this? Is it fair and appropriate to expect the local tax base to absorb such a mandate? Is this compliant with Congressional mandates?

Tu-Way Mobile Communications, Inc. urges the Commission to act expeditiously and favorably in this matter.

Sincerely,

TU-WAY MOBILE COMMUNICATIONS, INC.


William Landis
President

WL:slc

